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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2009-182

11 JACQUELINE DENISE MCGILL
77 Fairmount Avenue, Unit 110
12 Oakland, CA 94611
Registered Nurse License No. 568050

A C C U S A T I O N

13 Respondent.
14

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16 Complainant alleges:

17 PARTIES

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about July 5, 2000, the Board of Registered Nursing issued
22 Registered Nurse License Number 568050 to Jacqueline Denise McGill (Respondent). The
23 Registered Nurse License was in full force and effect at all times relevant to the charges brought
24 herein and will expire on November 30, 2009, unless renewed.

25
26 JURISDICTION

27 3. This Accusation is brought before the Board of Registered Nursing
28 (Board), Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 STATUTORY PROVISIONS

3 4. Section 2750 of the Business and Professions Code (Code) provides, in
4 pertinent part, that the Board may discipline any licensee, including a licensee holding a
5 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
6 2750) of the Nursing Practice Act.

7 5. Section 2764 of the Code provides, in pertinent part, that the expiration of
8 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
9 against the licensee or to render a decision imposing discipline on the license. Under section
10 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
11 the expiration.

12 6. Section 2761 of the Code states:

13 “The board may take disciplinary action against a certified or licensed nurse or
14 deny an application for a certificate or license for any of the following:

15 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

16 . . .

17 “(f) Conviction of a felony or of any offense substantially related to the
18 qualifications, functions, and duties of a registered nurse, in which event the record of the
19 conviction shall be conclusive evidence thereof.

20 . . .”

21 7. Section 2762 of the Code states:

22 “In addition to other acts constituting unprofessional conduct within the meaning
23 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
24 under this chapter to do any of the following:

25 “(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
26 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
27 or administer to another, any controlled substance as defined in Division 10 (commencing with
28 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as

1 defined in Section 4022.

2 “(b) Use any controlled substance as defined in Division 10 (commencing with
3 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
4 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
5 injurious to himself or herself, any other person, or the public or to the extent that such use
6 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
7 license.

8 “(c) Be convicted of a criminal offense involving the prescription, consumption,
9 or self-administration of any of the substances described in subdivisions (a) and (b) of this
10 section, or the possession of, or falsification of a record pertaining to, the substances described in
11 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
12 thereof.

13 “(d) Be committed or confined by a court of competent jurisdiction for
14 intemperate use of or addiction to the use of any of the substances described in subdivisions (a)
15 and (b) of this section, in which event the court order of commitment or confinement is prima
16 facie evidence of such commitment or confinement.

17 “(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible
18 entries in any hospital, patient, or other record pertaining to the substances described in
19 subdivision (a) of this section.”

20 8. Section 490 of the Code provides, in pertinent part, that a board may
21 suspend or revoke a license on the ground that the licensee has been convicted of a crime
22 substantially related to the qualifications, functions, or duties of the business or profession for
23 which the license was issued.

24 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
25 request the administrative law judge to direct a licensee found to have committed a violation or
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
27 and enforcement of the case.

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1 CAUSE FOR DISCIPLINE

2 (CRIMINAL CONVICTIONS)

3 10. Respondent's license is subject to discipline under sections 490, 2761(a),
4 2761(f), 2762(b) and/or 2762(c) in that on or about September 23, 2004, in a criminal proceeding
5 entitled *The People of the State of California v. Jacqueline Denise McGill*, in The Superior Court
6 of the State of California in the County of Alameda, Case Number 112303, Respondent was
7 convicted by her plea of no contest of violating Vehicle Code section 23152(b) (driving with
8 blood alcohol of .08% or more).

9 11. On or about September 23, 2004, Respondent was sentenced as follows:
10 to serve three days in county jail, three years probation; and to pay \$1300.00 in fines.

11 12. Respondent's license is further subject to discipline under sections 490,
12 2761(a), 2761(f), 2762(b) and/or 2762(c), in that on or about December 7, 2007, in a criminal
13 proceeding entitled *The People of the State of California v. Jacqueline Denise McGill*, in The
14 Superior Court of the State of California in the County of Alameda, Case Number 125221,
15 Respondent was convicted by her plea of no contest of violating Vehicle Code section 23152(b)
16 (driving with blood alcohol of .08% or more).

17 13. On or about December 7, 2007, Respondent was sentenced as follows: to
18 serve 12 days in county jail, five years probation; and to pay \$1860.00 in fines.

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20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein
22 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

23 1. Revoking or suspending Registered Nurse License Number 568050, issued
24 to Jacqueline Denise McGill.

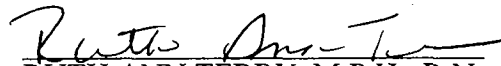
25 2. Ordering Jacqueline Denise McGill to pay the Board of Registered
26 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
27 Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 2/23/09


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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